

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RACHEL CORINA LUNA §  
*Plaintiff* §  
v. § CIVIL ACTION NO. 4:22cv-01151  
NATIONS DIRECT MORTGAGE, LLC §  
*Defendant* §

**AFFIDAVIT IN SUPPORT OF ATTORNEYS' FEES**

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Damian W. Abreo, an attorney for Nations Direct Mortgage, LLC ("Nations Direct"), Defendant, who, after first being duly sworn, deposed and stated as follows:

"I am over the age of twenty-one years, have never been convicted of a felony or crime of moral turpitude, and I am competent to testify as to the matters herein. I am a member of the State Bar of Texas and am actively engaged in the private practice of law as Senior Counsel with the law firm of Hughes, Watters & Askanase, L.L.P. ("HWA"), in Houston, Harris County, Texas.

Nations Direct retained HWA to represent it in this suit. It was necessary for Nations Direct to retain an attorney to represent it in this matter, as well as paralegals and legal assistants to perform work in this case. I am the only attorney that has worked on this law suit on behalf of Nations Direct.

I am familiar with the attorneys' fees normally and customarily charged in litigation of the type now before the Court. I have reviewed the records of Hughes, Watters & Askanase regarding the work performed on this matter. In connection with this case, I reviewed Plaintiff's Original Petition, reviewed the applicable documents associated with the Loan, consulted with Nations Direct representatives regarding the facts of this case, reviewed Nations Direct's loss mitigation notes and servicing notes, § drafted Nations Direct Original Answer and Counterclaim Seeking Judicial Foreclosure, reviewed the return of service, drafted Nations Direct's Notice of Removal and supporting documents, conferred with opposing counsel and prepared the joint report per Rule 26, and prepared and filed this Motion for Summary Judgment.

**EXHIBIT R**

I have charged and hourly rate of \$290.00 per hour, which in my opinion is a reasonable rate. I have routinely charged an hourly rate of \$350.00 per hour in other similar matters for other clients. I have spent a total of 22.6 hours undertaking actions relating to this lawsuit and my representation of Nations Direct. Below is an outline of the time I have spent and billed on this case to date:

- a. Receipt and review of Original Petition (.7 hours)
- b. Correspondence and communications to client throughout lawsuit addressing the facts of the case, the possibility of and history of loss mitigation efforts, docket control deadlines, and ongoing case status (1.8 hours)
- c. Attend the hearing on Plaintiff's application for a temporary restraining order (1.1 hours)
- d. Communications with opposing counsel (.7 hours)
- e. Prepare and file Original Answer and Counterclaim; prepare and file Notice of Removal, Notice of Filing of Notice of Removal, Certificate of Interested Parties, List of Parties and Counsel, Index of Matters Being Filed, and Civil Cover Sheet (3.0 hours)
- f. Confer with opposing counsel; prepare Rule 26(f) joint report and circulate same for review (1.2 hours)
- g. Confer with opposing counsel; prepare proposed Docket Control Order and circulate same for review (1.2 hours)
- h. Receive and review loss mitigation notes and servicing notes; prepare timeline of events and identify documents to use as summary judgment evidence (1.7 hours)
- i. Review contents of file, current docket, and Plaintiff's live pleading; review timeline of events and summary judgment evidence, prepare Motion for Summary Judgment, affidavit in support of Motion for Summary Judgment, and affidavit in support of request for award of fees (11.2 hours)

The actions relayed above comprise 22.6 hours of time spent on actions necessary to protect Nations Direct's interest in this lawsuit. The time billed amounts to \$6,641.00 in total fees. I believe this time, and the resulting billing, was expended on activities that were both reasonable under the circumstances of this law suit and necessary to protect the interests of Nations Direct.

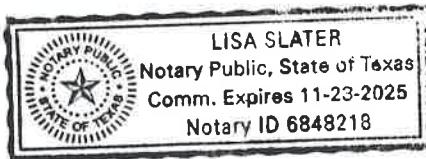
After November 17, 2022, I have expect to spend approximately five (5) hours communicating with Nations Direct, preparing and filing a Reply to Plaintiff's Response to Nations Direct's Motion for Summary Judgment, if any, and attending a hearing on the Motion for Summary Judgment should the Court elect to conduct such a hearing.. Therefore, it is my opinion that an additional sum of \$1,450.00 is a reasonable and necessary fee for these services.

It is therefore my opinion that \$8,091.00 is a reasonable attorneys' fee and has in fact or will be necessarily incurred by Nations Direct in this matter.

Further Affiant sayeth not.

  
\_\_\_\_\_  
Damian W. Abreo

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 17<sup>th</sup> day of November, 2022.



  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_